

Securing Our Borders

The relative ease with which the September 11 hijackers obtained visas and entered the United States revealed glaring weaknesses in our border security systems. While border security has long been a national goal, the September 11 attacks provided renewed urgency to the decades' long task of securing our borders against the entry of terrorists – a monumental challenge due to the geographic dimensions of our borders and the need to maintain the free flow of legitimate travel and commerce. The Administration has properly adopted a “layered” approach to securing our borders, starting with injecting greater security into the visa issuance process abroad and the inspections that take place at American ports-of-entry. While improvements have been made, there has been insufficient investment in programs, infrastructure, and personnel to transform the border into one that both keeps terrorists out of the country and serves the nation’s economic needs in the 21st century. To better protect America from terrorism, while maintaining the economic vitality of the border, the Administration must invest in basic infrastructure at the border, properly staff consulates abroad, the border patrol, and inspection services, and crack down on false identifications. If border security is not a priority, then America will remain vulnerable to those who seek to harm us.

Border security is a tremendous challenge for the U.S. Our borders with Canada and Mexico are more than 7,000 miles long. Substantial portions have inadequate physical security and infrastructure and are not adequately patrolled.¹ The security challenge is magnified by the large number of people and goods crossing the border annually. Yearly, over 440 million inspections take place at U.S. air, sea and land ports-of-entry.² More than 358 million - over 80% - of these crossings occur at our land borders.³ In 2002, an estimated \$1.4 trillion in imports and \$974 billion in exports passed through our ports-of-entry.⁴

Members of al Qaeda exploited vulnerabilities in our border security systems to gain entry into the U.S. and carry out the attacks of September 11. All of the 9/11 hijackers received visas from U.S. embassies and consulates.⁵ At the time that the hijackers applied for visas, none of the names contained in the passports they furnished to State Department consular officers were in State Department databases or the watch list used at the time.⁶ In total, nineteen 9/11 hijackers entered the U.S. a total of 33 times, and while a few of the terrorists were pulled aside for a more

¹Jeremy Torobin, “C’est La Vie: French Canadians - and God Knows Who Else - Can Easily Slip Into the U.S. on Unguarded Rural Roads,” *CQ Homeland Security*, August 21, 2003.

²U.S. Department of Homeland Security, *Appendix to the Testimony of Asa Hutchinson, Undersecretary of Border and Transportation Security Before the Select Committee on Homeland Security Subcommittee on Infrastructure and Border Security, U.S. House of Representatives*, January 28, 2004.

³*Ibid.*

⁴U.S. Department of Homeland Security, *Data Management Improvement Act Task Force - Second Annual Report to Congress*, (Washington, D.C.: December 2003), 1.

⁵The National Commission on Terrorist Attacks Upon the United States, *Staff Statement No.1 – Entry of the 9/11 Hijackers into the United States*, January 26, 2004.

⁶*Ibid.*, 4.

intensive inspection, they were subsequently admitted to the U.S.⁷ The ability of foreign nationals to so easily abuse the visa process and enter our country through legal channels has been the focus of great scrutiny since 9/11. Although new laws have been enacted and the major border agencies have been consolidated into the Department of Homeland Security (DHS), inadequacies remain in key areas that must be addressed if we are to both secure our borders and facilitate the flow of legitimate travel and commerce.

SECURITY GAP: State Department Consular Offices Do Not Have Sufficient Staff to Handle Post-9/11 Policy Changes Directed Toward Securing the Visa Process.

One important aspect of border security is to ensure that individuals who might represent a threat are not permitted to obtain visas. Visa issuance is the responsibility of the State Department's 211 consular offices around the world.

Prior to 9/11, consular offices overseas lacked resources to identify terrorists. Indeed, the National Commission on Terrorist Attacks upon the United States concluded that consular officers at the State Department were not full partners in a national counter-terrorism effort and that consular offices were not provided with sufficient resources to perform this "expanded" mission.⁸ When visa applications rose by nearly a third between 1998 and 2001, an increase of 2.5 million per year, the number of trained staff did not increase.⁹ This paucity of resources led to increased and often unmanageable work loads for consular officers. For example, in two of the consular offices where the 9/11 hijackers were issued visas, Jeddah and Riyadh, each individual consular officer had "responsibility for processing, on average, about 30,000 applications per year and routinely interviewed about 200 people per day."¹⁰ We know that the five offices that issued visas to the 9/11 terrorists did not have sufficient staff to interview most visa applicants.¹¹

In response to this security gap, the State Department appropriately imposed additional security checks on the visa issuance process and required personal interviews for virtually all visa applicants. Yet, as recently as May, 2003, consular offices were directed to "implement the new interview requirements using existing resources" and directed not to "use overtime to deal with additional workload requirements."¹² While the General Accounting Office (GAO) found that consular officers at some posts were able to spend more time reviewing visa applications and interviewing applicants because of the dramatic decrease in visa applications following 9/11, at other posts, the growing demand for visas, coupled with the enhanced security requirements, taxed existing staff.¹³ Although the number of overseas officers in consular affairs increased by 132 officers between fiscal years 2001-03,¹⁴ the additional staffing has not eliminated extensive delays in the visa process.

⁷Ibid, 6-7.

⁸Ibid, 9.

⁹Ibid, 9.

¹⁰Ibid, 9.

¹¹U.S. Department of State, Office of the Inspector General, *Memorandum Report: Review of the Issuance of Visas to the September 11, 2001, Terrorists*, ISP-CA-03-27 (Washington, D.C.: March 2003), 2.

¹²U.S. Department of State, *Outgoing Telegram, Border Security-Waiver of Personal Appearance for Nonimmigrant Visa Applicants—Revision to the Regulations*, (Washington, D.C.: May 21, 2003).

¹³U.S. General Accounting Office, *Border Security: Visa Process Should Be Strengthened as an Antiterrorism Tool*, GAO-03-132NI, (Washington, D.C.: October 2002), 32-33.

¹⁴Information provided upon request by the U.S. Department of State.

Furthermore, consular duties continue to expand. Suspension of the two programs that allowed travelers to enter U.S. airports en route to other countries without a visa added to visa applications. The installation of biometric technology at overseas consulates and embassies will require consular officers to fingerprint and photograph visa applicants and check their biographical and biometric information against multiple government databases. Additionally, according to the State Department, citizens of many of the 27 countries whose nationals currently are not required to obtain visas to travel to the U.S. (“visa waiver countries”) may be required to apply for visas because they will not meet the statutory deadline¹⁵ for embedding biometric identifiers in their passports.¹⁶ This eventuality may result in a doubling of visa applications by “upwards of five million additional visas.”¹⁷

While the State Department Diplomatic Readiness Initiative plan proposes to hire over 1100 new civil and foreign service officers by 2005, a systematic assessment of consular staffing and administrative support needs must be undertaken when additional responsibilities are assigned to consular officers. The addition of 93 new consular positions in fiscal year 2004 and 60 new requested positions for fiscal year 2005¹⁸ is encouraging. If the number of visas increases to pre-9/11 levels, however, there remains real concern about the ability of our consulates to process foreign travelers.

SECURITY RECOMMENDATION

To secure the visa process and facilitate legitimate travel and commerce, the Administration must extend our borders to our embassies overseas. Critical in this expansion is an investment in our consular officers, our first line of defense against those who may seek to harm America. To achieve optimal homeland security while preventing backlogs in the visa issuance process, the Administration should assess the adequacy of staffing and infrastructure for consular operations to ensure that officers have sufficient time to review all applications, conduct interviews, and check all relevant databases before authorizing individuals to enter the U.S.

SECURITY GAP: Truck Cargo is Not Comprehensively Screened for Weapons of Mass Destruction.

As explained in the previous chapter on *Securing Our Ports*, radiation portal monitors are detection devices through which cargo trucks can be driven to screen for nuclear or radiological material. These portals can be integrated into normal operations at border crossings so they do not slow the flow of commerce.

In light of the significant threat that a nuclear or radiological weapon could be smuggled into the U.S. in a cargo truck, radiation portals have not been installed quickly enough at our land borders. Instead, inspectors at many border crossings use equipment incapable of detecting a nuclear or radiological weapon, such as personal radiation pagers.

¹⁵Enhanced Border Security and Visa Entry Reform Act of 2002, (P.L. 107-173).

¹⁶U.S. Department of State, *Testimony of Maura Harty, Assistant Secretary, Bureau of Consular Affairs Before the Select Committee on Homeland Security Subcommittee on Infrastructure and Border Security, U.S. House of Representatives*, January 28, 2004.

¹⁷Ibid.

¹⁸Ibid.

The Bureau of Customs and Border Protection (CBP) has a plan to deploy radiation portal monitors at major border crossings. So far, portals have been installed at 50 percent of the northern border ports of entry. Funds have been appropriated to complete installation on the northern border, but the project will not be completed until later this year. The fiscal year 2005 budget requests \$50 million for radiation portal installation, but this level of funding would only complete between 25 to 50 percent of the southern border crossings. Thus, by the fourth anniversary of the September 11 attacks, the southern border still will not have a comprehensive detection system installed to screen cargo for weapons of mass destruction.

SECURITY RECOMMENDATION

DHS should move faster to install radiation portal monitors at all border crossings and not rely on personal radiation detectors.

SECURITY GAP: Pre-Clearance and Pre-Inspection Programs Have Not Yet Been Widely Implemented to Enable Inspectors to Focus on High-Risk Traffic.

One of the keys to enhancing border security is to expedite the flow of low-risk individuals through the system so that inspectors can provide greater scrutiny to those more likely to be security risks. Clogged borders with large traffic backups put pressure on inspectors to cut corners. Programs that “pre-clear” individuals to cross the border help reduce congestion and therefore enhance security. Likewise, “pre-inspection” programs reduce backlogs and enhance security at our borders by processing individuals through customs and immigration requirements before they board international flights to come to the United States. Other travelers inspected at our borders, therefore, can be given greater scrutiny.

- **Land Border Pre-Clearance Programs – Individuals**

The Administration should place greater emphasis on infrastructure in its implementation of its northern border pre-clearance program – NEXUS – and its southern border counterpart – Secure Electronic Network for Travelers Rapid Inspection (SENTRI). These programs subject enrollees to intensive background checks which, if successful, allow them to cross the border through dedicated lanes and receive an expedited inspection. NEXUS is operational at 10 of the 120 northern border crossings,¹⁹ while SENTRI is present at only three of the 43 southern border crossings. The benefits of these programs are substantial. The majority of NEXUS/SENTRI inspections generally take approximately 11 seconds or less compared to one minute for travelers using regular lanes,²⁰ while still providing a more thorough background review of the traveler.

Neither program is as effective as it could be because pre-cleared passengers are often unable to get to the dedicated inspection lanes due to traffic backups. Improvements, such as building unimpeded access lanes for pre-cleared travelers and equipping additional inspection lanes with

¹⁹Information was provided by the U.S. Department of Homeland Security upon request. The U.S./Alaska border with Canada is not included.

²⁰U.S. General Accounting Office, *Land Border Ports of Entry: Vulnerabilities and Inefficiencies in the Inspections Process*, GAO-03-782, (Washington, D.C.: July 2003), 36.

pre-clearance technology, are necessary.²¹ Expansion of enrollment sites for both programs, to allow travelers to enroll in the program closer to where they live or work, or when they apply for visas at the embassies, would also help to reduce congestion and improve security at the border.

SECURITY RECOMMENDATION

The Administration should expand pre-clearance programs to all major ports-of-entry along the northern and southern border and create dual-use lanes equipped with NEXUS and SENTRI technology to allow inspectors at the border additional flexibility in the inspections process. Access lanes should be expanded to facilitate the free flow of traffic and rapid inspection of those who have been pre-cleared. Additionally, to achieve maximum utility of the pre-clearance process, the Administration should consider creating pre-clearance programs for those crossing our borders on foot or using mass transit. Enrollment of travelers in the SENTRI program should be initiated in the visa application process at embassies and consulates in Mexico or at least made available at such locations. Finally, to deliver border security, pre-clearance technology must actually work. The Administration should ensure that sufficient funds are dedicated for regular upgrade and maintenance of NEXUS and SENTRI systems.

- **Land Border Pre-Clearance Programs – Cargo**

An estimated 13 million cargo containers and commercial trucks enter the U.S. every year. Screening these containers without bringing commercial traffic to a grinding halt is an immense challenge. After 9/11, the Administration launched the Free and Secure Trade (FAST) program. Under the FAST program, importers, commercial carriers and truck drivers qualify for expedited clearance at the border if they submit fingerprints, pass a criminal background check, submit to an interview, and drive for companies enrolled in the Customs-Trade Partnership Against Terrorism (C-TPAT). Like NEXUS and SENTRI, the FAST program enables low-risk traffic to proceed through inspections quickly while allowing inspectors to direct greater attention to higher-risk cargo trucks.

The first FAST/NEXUS lane opened in Port Huron, Michigan, on January 9, 2004, and there are FAST lanes at eight major crossings along the northern border. While FAST is a good approach to ensuring cargo can move efficiently across the border without jeopardizing security, the Administration has failed to address security lapses in this program. As set forth in the previous chapter on *Securing Our Ports*, only 141 of the 5,300 C-TPAT members have had their security measures validated by DHS, leaving many FAST members who received the benefit of reduced inspections at the border but have not demonstrated that they have improved their security.

In October 2003, DHS launched a pilot FAST program for Mexican trucks crossing the southern border in El Paso. FAST Mexico is different than the program on the northern border in that it requires additional security measures, the most noteworthy of which is that cargo containers must have a tamper-resistant seal.

There are no funds in the fiscal year 2005 budget for expanding the FAST program on either the northern or southern border or for FAST infrastructure improvements.

²³U.S. Department of Homeland Security, *Data Management Improvement Act (DMIA) Task Force - Second Annual Report to Congress*, (Washington, D.C.: December 2003), 112.

SECURITY RECOMMENDATION

For FAST to be a credible security program, CBP should accelerate the security validations of FAST/C-TPAT members. Furthermore, the Administration should expand the FAST program to cover all major ports on entry on both the northern and southern border and increase FAST access lanes to speed inspections. Finally, FAST trucks crossing the northern border should also be required to use tamper-resistant seals.

- **Airport Pre-Inspection Programs**

The Administration is not sufficiently expanding pre-inspection programs at foreign airports. Pre-inspections subject travelers to the full U.S. inspections process at a foreign airport where a person's travel originates. This type of pre-screening reduces backlogs at our ports of entry and could prevent dangerous individuals from getting on a plane in the first place.

To date, pre-inspection programs are in airports at only five countries- Canada, Ireland, Bermuda, the Bahamas and Aruba. Yet, in fiscal year 2003, 13.5 million people, or 49% of all overseas visitors, entered the United States from "visa waiver" countries.²² These individuals receive little scrutiny before boarding an airplane to the U.S. Placing pre-inspection programs in the airports of visa waiver countries would require that citizens of visa waiver countries receive a customs and immigration check prior to their arrival in the U.S.

SECURITY RECOMMENDATION

The Administration should institute pre-inspection programs in visa waiver countries and other nations with large numbers of travelers to the U.S.

SECURITY GAP: Insufficient Infrastructure Investments Have Been Made to Allow Border Security Programs – Including US-VISIT – To Be Implemented Without Harming the Economies of Border Communities.

A substantial investment in border infrastructure is needed in order to provide security without inhibiting trade. This is especially true at our land ports of entry. For example, layouts of inspection plazas, space limitations, limited number of inspection booths and lanes all affect the flow of traffic.²³ These infrastructure problems pose a unique challenge to border security because land borders handle large volumes of travelers, receive little and usually no advance information about people or cargo, and involve both commercial freight and passenger inspections. Indeed, the stress placed on our borders by the pressure of commerce is dramatic. A small delay in the inspections area can lead to a delay of several hours in getting into the U.S.

²²U.S. Library of Congress, Congressional Research Service, "Visa Waiver Program," RL 32221, (Washington, D.C.: February 10, 2004), i.

²³U.S. Department of Homeland Security, *Data Management Improvement Act Task Force - Second Annual Report to Congress*, (Washington, D.C.: December 2003), 34.

For example, the peak wait time at the Blaine Peace Arch in Washington state could increase by more than eleven hours if the average inspection increases by only nine seconds.²⁴ Backups and delays place pressure on security programs; if travelers and businesses cannot get through the border in a timely fashion, pressure will build to reduce, modify, or eliminate security measures.²⁵ Not only do delays impact security, but backups at the land borders cause traffic congestion and environmental pollution in border communities.²⁶ It is vital to our homeland and economic security that border security programs facilitate and expedite the inspections process, not result in long delays and confusion at the border.

Enhancing security without hindering commerce requires investments in basic infrastructure and technology to limit the amount of time inspections take. Many land ports of entry today have inadequate infrastructure. A total of 64 ports have less than 25 percent of the required space in the inspections area.²⁷ Approach highways and border inspection facilities were considered inadequate and overburdened even before 9/11.²⁸ According to the Data Management Improvement Act Task Force, “resources to expand and improve the infrastructure to support growth in work load and staffing have not kept pace, creating infrastructure weaknesses.”²⁹

The need for additional infrastructure investments is critical given the planned implementation of the United States Visitor Immigrant Status Indicator Technology (US-VISIT) program at land borders. The US-VISIT program is the system being put in place at our airports, seaports, and land borders to comply with the statutory mandate to develop an automated system to track the arrival and departure of certain foreign visitors to the U.S. The system is designed to add integrity to our immigration process by capturing the biometric information of certain foreign visitors when they apply for a visa at U.S. embassies and consulates or arrive at U.S. ports of entry. On arrival, visitors will have their fingerprints and photographs taken, which will then be compared to data in the US-VISIT database to ensure that the person who is trying to enter the country is the same person who received the visa abroad. Personal and biometric information is also compared against certain government immigration and criminal databases to determine whether the visitor should be permitted to enter the U.S. Additional database review also occurs post-admission to the U.S. Finally, when the system is fully completed, visitors will record their departure from the U.S., which will enable authorities to identify visitors that have overstayed their visas.

The US-VISIT program began operations at 115 airports and 14 seaports on January 5, 2004. The gradual and limited nature of the program’s initial stages enabled operations to proceed relatively smoothly, but allowed security gaps to remain. For example, citizens of the 27 mostly-European and English speaking “visa waiver” countries are currently exempt from the program. Thus, under current procedures, people like British national Richard Reid, the “shoe bomber,” or French national Zacarias Moussaoui, the alleged al Qaeda operative, would not be subject to an US-VISIT inspection. As Assistant Secretary of Homeland Security C. Stewart Verdery, Jr.

²⁴U.S. General Accounting Office, *Department of Homeland Security’s US-VISIT Program*, Staff Briefing, (Washington, D.C.: October 23, 2003), 22.

²⁵Prior to the implementation of the US-VISIT program, a memo was circulated to Directors of Field Operations, instructing them that if wait times at inspections stations approached one hour, mitigation strategies should be implemented that would reduce the number people being enrolled in US-VISIT.

²⁶ U.S. Department of Homeland Security, *Data Management Improvement Act Task Force, Second Annual Report to Congress*, (Washington, D.C.: December 2003), 35.

²⁷Ibid, 33.

²⁸Ibid, 33.

²⁹Ibid, 33.

noted, “It is a problem with the VISIT system that visa waiver travelers are not enrolled.”³⁰ Moreover, the challenges of implementing US-VISIT at the land borders are far greater than what has been achieved thus far since, of the over 440 million inspections that take place per year, only 20 percent occur at air and sea ports while 80 percent are at our land borders.³¹

Expanding US-VISIT to close the security gaps currently in the system and to cover the land borders will require investment in infrastructure.³² Depending on how the Administration chooses to implement the US-VISIT program at land ports-of-entry, most land ports will at the very least require additional space in already overburdened inspection facilities in which to place US-VISIT equipment. Additional space will also be needed to accommodate visa holders while they await enrollment. Implementing the “exit” requirements of US-VISIT, especially at land borders, would be a substantial undertaking. Not only would exit-kiosks have to be installed at all airports and seaports, but depending on Administration implementation plans, an entirely new exit infrastructure may have to be built (where none currently exists) at all land border crossings.

Land border communities are deeply concerned that US-VISIT requirements will be implemented without the needed infrastructure investments, which will lead to large delays upon entry to and departure from the U.S., increased traffic congestion and pollution on both sides of the border, and a reduction in the economic vitality of the border region.³³ The Administration has done an inadequate job reaching out to these communities to learn their concerns about the possible impact of US-VISIT implementation and engaging them in the planning process.

SECURITY RECOMMENDATION

The Administration has an historic opportunity to strengthen our borders and border communities by investing in roads and inspection facilities that will allow for secure inspections while facilitating legitimate travel and commerce. In order to create an economically vibrant and secure border, the Administration should expand or restructure inspections areas; identify technology to provide a secure and expedited inspections process; and expand highways and access roads.

The Administration should also provide for a full evaluation of the impact of US-VISIT on border communities and commerce. Finally, the Administration should initiate an immediate outreach program to border communities to discuss US-VISIT implementation and provide community leaders the opportunity to fully participate in the planning and implementation process.

³⁰Jeremy Torobin, “U.S. Proposes Stationing Passenger Screeners in Foreign Airports,” *CQ Homeland Security*, February 18, 2004.

³¹U.S. Department of Homeland Security, *Data Management Improvement Act Task Force - Second Annual Report to Congress*, (Washington, D.C.: December 2003), 15.

³²U.S. Department of Homeland Security, *Data Management Improvement Act Task Force – First Annual Report to Congress*, (Washington, D.C.: December 2002), 33.

³³ U.S. Department of Homeland Security, *Data Management Improvement Act Task Force - Second Annual Report to Congress*, (Washington, D.C.: December 2003), 34-35.

SECURITY GAP: Border Security Programs Lack Access to a Reliable, Comprehensive and Integrated Terrorist Watch List.

As set forth in the previous chapter on *Preventing Attacks By Improving Intelligence*, two and a half years after the events of 9/11, the Administration is still struggling to address a key problem in securing the U.S. – information sharing. The ability of border security programs like US-VISIT, NEXUS and SENTRI to help secure America depends largely on the Administration's ability to enhance the intelligence capacity of these systems and improve the interconnectivity, reliability, and accuracy of its databases. Specifically, border security must have a "real-time" link to a comprehensive, constantly-updated terrorist watch list. Such a watch list does not currently exist, and current estimates are that integration of existing watch lists will not be completed until mid-summer 2004. That estimate, however, does not contemplate the secure, real-time linkage of the terrorist watch list with border programs and personnel conducting border inspections. There is no official Administration estimate of the time needed to fully link these programs with all government terrorist-related information.

As the report issued by Democratic Members of the Select Committee on Homeland Security, *Keeping Terrorists Out of America By Unifying Terrorists Watch Lists*, explains, one key aspect of a functional terrorist watch list is to have a mechanism for correcting inaccuracies and removing names that should not be on the list.³⁴ This is especially true for border operations, because such inaccuracies will result in repeated and prolonged inspections of travelers who pose no threat but serve to distract law enforcement personnel from more pressing inspections.

SECURITY RECOMMENDATION

The Administration should move rapidly to ensure that border security programs are linked to a comprehensive, integrated terrorist watch list and that border personnel have real-time access to the most up-to-date terrorist watch list information available. The Administration should create a venue through which inaccuracies in databases, systems and watch lists that inaccurately and repeatedly flag travelers who are not threats to the U.S. are addressed.

SECURITY GAP: There is No Post-9/11 Comprehensive Border Staffing Strategy.

Just as sufficient infrastructure is necessary to achieve both security and the free flow of commerce at the border, it is also necessary for the government to have the appropriate number of inspectors and border patrols in order to achieve its border security goals. Yet, more than two years after the 9/11 attacks, the Administration still has not proposed a comprehensive staffing strategy to secure our borders.

When inspectors from the U.S. Customs Service and Immigration and Naturalization Service (INS), and agents from the Border Patrol, were integrated into the CBP in 2003, each agency had a strategic staffing model that had been in place prior to the 9/11 attacks. These models reflected the agencies' missions at the time, which largely included stemming the flow of drugs and illegal

³⁴ Democratic Members of the House Select Committee on Homeland Security, *Keeping Terrorists Out of America by Unifying Terrorist Watch Lists*, November 2003.

immigrants into the country across the U.S.-Mexico border. Indeed, the pre- 9/11 Border Patrol strategies are still displayed on the CBP website as “current” strategies. However, these staffing strategies do not reflect security concerns raised after the 9/11 attacks, such as longer operating hours at certain ports-of-entry, heightened security needs when the country moves to a higher alert level, such as "Code Orange," and new technology (such as camera arrays) that is available to monitor the unstaffed border areas.

The Administration has taken some steps to increase northern border security, but this has occurred at the expense of security on our southern border. For instance, the number of Border Patrol agents on the northern border was increased from 334 (in 2001) to 1,006³⁵ last year only by reassigning hundreds of Border Patrol agents from the southern border. The Administration increased Border Patrol staffing to comply with the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) and the Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act).³⁶ While these two bills did not address staffing issues on the southern border, the USA PATRIOT Act did require the Administration to triple the number of Border Patrol agents, border crossing inspectors and support staff over 2001 levels on the northern border. Similarly, the Border Security Act required the Administration to add 200 border crossing inspectors each year over USA PATRIOT ACT levels. Only one of the many targets – Border Patrol staffing – has been met.

USA PATRIOT ACT OF 2001¹				
<i>Northern Border Customs & Border Protection Component</i>	<i>Staffing levels as of October 2001</i>	<i>Staffing level required</i>	<i>Staffing Level (as of 10-03)</i>	<i>What is still needed</i>
Border Patrol agents	348²	1,044	1,006³	38
Customs Inspectors	1,059²	3,177	1,589³	1,588
Immigration Inspectors	524²	1,572	1,132³	440
ENHANCED BORDER SECURITY ACT⁴				
Required immigration inspector levels – Fiscal Year 2003	(base is triple October, 2001 levels) 1,572	1,772	1,132	640
Fiscal Year 2004		1,972	1,132	840
Fiscal Year 2005		2,172	1,132	1,040
Fiscal Year 2006		2,372	1,132	1,240

³⁵ Figures provided by the U.S. Department of Homeland Security, October 4, 2003.

³⁶ USA PATRIOT Act (P.L. 107-56); Border Security Act (P.L. 107-173).

Sources: (1) USA PATRIOT Act; (2) House Committee on Government Reform Report, “Federal Law Enforcement At The Borders And Ports Of Entry: Challenges & Solutions,” July 2002; (3) Letter from Department of Homeland Security to Congressman Jim Turner (December 11, 2003); (4) Border Security Act.

A comprehensive border staffing strategy is essential because it is the “master plan” directing where to place personnel, technology, and infrastructure, and in what order these needs should be addressed. The cornerstone of any comprehensive plan is the well-trained and experienced personnel assigned to guard our borders – and we must know where to most effectively place them.³⁷

SECURITY RECOMMENDATION

The Administration should immediately develop and implement a comprehensive national border staffing strategy that will allow DHS to effectively deploy its personnel (border crossing inspectors, Border Patrol agents, and support staff) and technology. The staffing strategy should maintain the border agencies’ original missions of preventing drug traffic and illegal immigrants from entering the U.S.; meet staffing levels established in the USA PATRIOT Act and Border Security Act; and build in flexibility to meet changing security needs of the future. The Administration should work with Congress to amend all relevant laws, if necessary, and work with Congress to ensure that updated staffing models are completed and fully implemented.

SECURITY GAP: Unauthorized Persons Can Enter the United States Using Fraudulent Driver’s Licenses and Other Forms of Identification.

Counterfeit or fraudulent identification (ID) cards are a serious threat to our homeland security because they provide terrorists with the ability to enter the United States and easily move about society - without being detected. Counterfeit ID cards are readily available today because they are hard to detect among the numerous legitimate versions of driver’s licenses and state-issued ID cards. For example, there are currently 240 legitimate versions of state driver’s licenses and IDs and more than 50,000 versions of legitimate birth certificates.³⁸ These documents have proliferated because there are no uniform standards for the appearance of ID cards – and the states and territories have not coordinated their activities in this area.

Counterfeit IDs are also easily produced with off-the-shelf technology.³⁹ This is evidenced by the government’s continuing work to break up large counterfeit ID rings, such as DHS’ Bureau of Immigration and Customs Enforcement “Operation Card Shark,” which broke up a large counterfeit ID ring in the Adams Morgan section of Washington, D.C. in 2003.⁴⁰

³⁷U.S. Library of Congress, Congressional Research Service, *Terrorism: Automated Lookout Systems and Border Security Options and Issues*, RL31019, William J. Krouse and Raphael F. Perl, June 18, 2001, 9.

³⁸U.S. Department of Homeland Security, *Testimony of Asa Hutchinson, Under Secretary for the Border and Transportation Directorate Before the Committee on Finance, U.S. Senate*, September 9, 2003.

³⁹U.S. General Accounting Office, *Security: Counterfeit Identification and Identification Fraud Raise Security Concerns*, GAO-03-1147T, (Washington, D.C.: September 9, 2003), 6.

⁴⁰Mary Beth Sheridan, “Norton Calls ID Markets Terror Magnet,” *Washington Post*, August 6, 2003, sec. B.

Counterfeit IDs are a particular threat to our borders because border crossing inspectors may accept ID documents (state driver's licenses, birth certificates, or other form of identification) as proof of citizenship from Americans re-entering the U.S.⁴¹ Assistant Secretary of Homeland Security, C. Stewart Verdery, Jr., described the current policy of accepting ID cards as "a giant loophole in our improving exit-entry system."⁴² In fact, GAO demonstrated the ease with which it is possible to enter the U.S. by posing as an American citizen and displaying fraudulent IDs.⁴³ In its investigation, GAO produced counterfeit documents which were used to obtain a valid driver's license from another state, enter the U.S. from various Western Hemisphere countries, and access sensitive areas in airports.⁴⁴

Counterfeit ID cards also enable terrorists to move freely about the country because these ID cards are increasingly considered as unquestionable proof of identity by many government agencies and private sector businesses. For example, counterfeit ID cards can be used to gain access to government buildings, obtain Social Security numbers for fictitious identities, and purchase firearms. These documents are also the basis for the distribution of important U.S. identity documents, such as passports and Social Security cards.⁴⁵

Today, there is no coordinated federal approach in addressing this issue, despite previous efforts to do so.⁴⁶ However, the need to increase border security following the 9/11 attacks, and the failure of states to promote national security by adopting uniform standards for ID documents, provides a justification for the federal government to take the lead in establishing national standards for state ID cards and driver's licenses. The American Association of Motor Vehicle Administration (AAMVA) has developed and vetted a set of uniform standards and procedures that could serve as a starting point for establishing these standards.

SECURITY RECOMMENDATION

The Administration should establish a uniform set of standards for all state driver's licenses and official state identification cards. Setting these standards would help reduce the likelihood of unauthorized persons entering the United States by using fraudulent documents.

⁴¹ U.S. General Accounting Office, *Security: Counterfeit Identification and Identification Fraud Raise Security Concerns*, GAO-03-1147T (Washington, D.C.: September 9, 2003), 3.

⁴² Jeremy Torobin, "U.S. Proposes Stationing Passenger Screeners in Foreign Airports," *CQ Homeland Daily*, February 18, 2004.

⁴³ U.S. General Accounting Office, *Security: Counterfeit Identification and Identification Fraud Raise Security Concerns*, GAO-03-1147T (Washington, D.C.: September 9, 2003), 1.

⁴⁴ *Ibid.*

⁴⁵ Shane Ham & Robert D. Atkinson, "Modernizing the State Identification System: An Action Agenda," *Progressive Policy Institute*, February 2002, 1.

⁴⁶ Sec. 656(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) (Division C of P.L. 104-208) established uniform standards for state driver's licenses; however, its implementation was blocked by a provision of the Fiscal Year 1999 Department of Transportation appropriations bill (P.L. 105-277), which prohibited the expenditure of any funding under that act for the purposes of implementing regulations related to Section 656(b) of IIRIRA.

SECURITY GAP: The Administration Has Failed to Effectively Coordinate Its Mission to Secure the Northern and Southern Border.

The northern and southern borders are unique because of the strong economic, political and cultural ties between the US, Canada and Mexico. More than 100 million people cross the U.S.-Canada border annually, and 90 percent of the Canadian population live within 100 miles of the US-Canada border.⁴⁷ Over 300 million people cross the U.S.-Mexico border each year and an estimated 10 million live in the U.S.-Mexico border region.⁴⁸ Therefore, bilateral cooperation is critical to ensure enhanced border security. Additionally, it is important that security along our borders be overseen in a coordinated manner among federal, state and local law enforcement and first responders. Currently, no single government official is responsible for coordinating law enforcement, immigration, and homeland security programs for the entirety of a border region. While bilateral “Smart Border” agreements have been reached with both Canada and Mexico to improve border functions, ensure security, and promote travel and trade,⁴⁹ concern exists that the implementation of these agreements is losing momentum.⁵⁰

SECURITY RECOMMENDATION

To better coordinate governmental functions along the border, the Administration should create Northern Border and Southern Border Coordinators in the Department of Homeland Security reporting directly to the Undersecretary for Border and Transportation Security. These coordinators will help further implement the “Smart Border” agreements with Canada and Mexico and provide enhanced communication among federal agencies with border responsibilities and between federal, state and local officials from border communities.

⁴⁷Deborah Waller Meyers, “Does Smarter Lead to Safer,” *Migration Policy Institute Insight*, June 2003, 2.

⁴⁸*Ibid.*

⁴⁹The U.S., Canadian and Mexican governments signed two smart border agreements. The U.S. and Canada signed the Smart Border Declaration on December 12, 2001 and the U.S. and Mexico signed the Border Partnership Agreement on March 22, 2002.

⁵⁰Andre Belielieu, “The Smart Border Process at Two: Losing Momentum?” *Hemisphere Focus*, Center for Strategic and International Studies, December 10, 2003.